

their lands. The legislation sets minimum criteria for non-Federal land to be eligible for compensation.

Our Federal land management agencies need to take responsibility for the fatal impacts that occur on non-Federal land as a result of a lack of management on Federal land. As a society, we have come to expect that our neighbors take responsibility for their actions and I feel the Federal land management agencies should not escape this responsibility either.

In the next few weeks, the weather will continue to heat up, the drought ridden West will become drier, wildfire will continue to plague throughout, and the number of reports regarding the loss of property will continue to escalate. At the same time, the forest health debate will also heat up as the Senate considers the President's Healthy Forest Initiative.

I know this legislation may not be the answer to solving our Federal land management problems and I am willing to discuss other options, but I know that until we address the heart of this issue, homes, private land, and communities will continue to be at risk because of poor Federal land management. Being a good neighbor means being responsible for your actions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act maybe cited as the "Enhanced Safety from Wildfire Act of 2003".

SEC. 2. UNITED STATES LIABILITY FOR DAMAGES RESULTING FROM THE SPREAD OF WILDFIRE FROM FORESTED PUBLIC LANDS.

(a) IMPOSITION OF LIABILITY FOR SPREAD OF WILDFIRE.—Title III of the Federal Land Policy and Management Act of 1976 is amended by inserting after section 318 (43 U.S.C. 1748) the following new section:

"Sec. 319. Liability for Damages Resulting From Spread of Wildfire From Public Lands or National Forest System Lands.

"(a) LIABILITY AS RULE OF LAW.—Except as provided in subsections (b), (c), and (d), and subject to the delayed effective date specified in subsection (h), any injury to or loss of property that occurs on non-Federal lands as a direct result of a fire that spread from forested Federal lands onto the non-Federal lands, either directly or by first spreading to other non-Federal lands, shall be deemed to be an injury or loss of property caused by the negligent or wrongful act or omission of an employee of the United States while acting within the scope of the employee's office or employment for purposes of section 1346 and chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').

"(b) ADDITIONAL REQUIREMENT FOR CERTAIN NON-FEDERAL LANDS.—The owner or leasee of non Federal lands damaged by the spread of wildfire from forested Federal lands may not utilize the rule of law specified in subsection (a) when the non-Federal lands ex-

ceed 6400 acres and are used for the commercial production of timber, unless the owner or leasee proves that the damaged non-Federal lands were being managed to achieve or maintain the forest health status known as condition class 1 immediately before the fire. In the event of a dispute between the owner or leasee and the Secretary concerned regarding the status of the non-Federal lands before the fire, the determination of the State Forester of the State in which the lands are located shall control and any expenses associated with State Foresters determination shall be equally divided between the disputing parties.

"(c) EXCLUSION OF CONDITION CLASS 1 LANDS.—The rule of law specified in subsection (a) shall not apply if the forested Federal lands within the buffer zone adjacent to the Federal land boundary from which the fire spread to non-Federal lands were managed as condition class 1 immediately before the fire.

"(d) EXCLUSION OF OTHER FEDERAL LANDS.—The rule of law specified in subsection (a) shall not apply to the following Federal lands, even though wildfire may originate on such lands and spread to adjacent non-Federal lands:

"(1) A component of the National Wilderness Preservation System.

"(2) Federal lands where, by Act of Congress, Presidential proclamation, or land and resource management plan, the removal of vegetation is prohibited.

"(3) Areas of Federal lands that comprise less than 6,400 acres and are not contiguous to other Federal lands.

"(e) EXCEPTION FOR O&C LANDS.—The rule of law specified in subsection (a) shall apply to National Forest System lands and Bureau of Land Management lands administered under the authorities of the O&C Sustained Yield Act of 1937 and that do not meet the acreage limitation set forth in subsection (d) (3).

"(f) REPORT REGARDING STATUS OF BUFFER LANDS.—Not later than two years after the date of the enactment of this section, the Secretary concerned shall submit to Congress a report describing the forest health status of all buffer zones with non-Federal lands and the extent to which the buffer zones are in, or are being managed to achieve, the forest health status known as condition class 1.

"(g) DEFINITIONS.—In this section:

"(1) The term 'buffer zone' refers to those forested Federal lands that are within a prescribed distance of a Federal land boundary with non-Federal lands and comprise, or are part of a larger area of Federal lands comprising, 6,400 acres or more. The Secretary shall prescribe the actual buffer zone for a particular area of forested Federal lands based on the geography, topography, and forest cover of the lands.

"(2) The term 'condition class 1', with respect to an area of forested Federal lands or non-Federal lands, means that the lands are managed so that

"(A) fire regimes on the lands are within historical ranges;

"(B) vegetation composition and structure are intact; and

"(C) the risk of losing key ecosystem components from the occurrence of fire remains relatively low.

"(3) The term 'forested Federal lands' means public lands and National Forest System lands that contain trees as a significant component of the lands.

"(4) The term 'Secretary concerned' means the Secretary of the Interior (or the designee of that Secretary) with respect to public lands and the Secretary of Agriculture (or the designee of that Secretary) with respect to National Forest System lands.

"(h) DELAYED EFFECTIVE DATE.—The rule of law specified in subsection (a) shall take effect at the end of the eight-year period beginning on the date of the enactment of this section and apply with respect to fires that spread from Federal lands onto non-Federal lands after the end of such period."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Federal Land Policy and Management Act of 1976 is amended by inserting after the item relating to section 318 the following new item:

"Sec. 319. Liability for damages resulting from spread of wildfire from public lands or National Forest System lands."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 179—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. DONALD JOHNSON

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas, in the case of State of New Hampshire v. Donald Johnson, pending in Concord District Court for the State of New Hampshire, testimony has been requested from Carol Carpenter, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it *Resolved* That Carol Carpenter is authorized to provide testimony in the case of State of New Hampshire v. Donald Johnson, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter in connection with any testimony authorized in section one of this resolution.

SENATE RESOLUTION 180—TO SET STANDARDS FOR THE NAMING OF ANY PART OF THE SENATE WING OF THE CAPITOL BUILDING COMPLEX

Mr. DODD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 180

Resolved, SECTION 1. STANDARDS FOR NAMING PORTIONS OF THE SENATE WING OF THE CAPITOL.

(a) RESTRICTION.—The Senate shall not name any portion of the Senate wing of the